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FBI - NEW YORK	

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20535

TO : DIRECTOR, FBI (100-388610)

FROM : SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

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In the Supreme Court of the United States

OCTOBER TERM, 1940

No. 537

FASHION ORIGINATORS' GUILD OF AMERICA, INC.,
ET AL., PETITIONERS

v.

FEDERAL TRADE COMMISSION

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES CIRCUIT COURT OF APPEALS FOR THE SECOND
CIRCUIT

MEMORANDUM FOR THE RESPONDENT

The Government believes the decision below to be correct and it will so urge on the merits if the petition for a writ of certiorari should be granted. However, as the court below expressly stated (R. 4678), its decision is inconsistent with that rendered by the Circuit Court of Appeals for the First Circuit in *Wm. Filene's Sons Co. v. Fashion Originators' Guild*, 90 F. (2d) 556. In *Millinery Creators' Guild, Inc. v. Federal Trade Commission* (No. 251, this Term, certiorari granted October 14, 1940) the decision of the court below was likewise in substantial conflict with *Wm. Filene's Sons Co.*

v. *Fashion Originators' Guild, supra*, and the Government therefore did not oppose the petition for certiorari.

In view of the conflict in decision between two different circuit courts of appeals, the Government does not oppose the petition for a writ of certiorari.

Respectfully submitted.

FRANCIS BIDDLE,
Solicitor General.

NOVEMBER 1940.

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